**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P. (S) No. 5626 of 2007**

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| **PETITIONER** | | Alok Kumar Chourasia, S/o Late Shri Sushil Chourasia, aged about 40 years, R/o Baikunthpur, Raigarh, Tehsil and District Raigarh (C.G.) |
| | | ***Versus*** |
| **RESPONDENTS** | 1 | Chhattisgarh State Electricity Board, Through Joint Secretary (Personal) Raipur (C.G.) |
| | 2 | Chief Engineer, (Bilaspur Region) Chhattisgarh State Electricity Board, Bilaspur (C.G.) |
| | 3 | Superintendent Engineer, (Bilaspur Region) Chhattisgarh State Electricity Board, Bilaspur (C.G.) |

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Shri Utkarsh Verma, Advocate appears on behalf of Shri Saleem Kazi, Counsel for the petitioner.

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**ORAL ORDER**
**(08.10.2007)**

**SUNIL KUMAR SINHA, J**

Heard.

The petitioner, who is working on the post of Assistant Grade-III, has been transferred from Raigarh to Jagdalpur.

Learned counsel for the petitioner submits that the seniority of the persons like petitioner is maintained region wise and this is an inter-region transfer, therefore, it may affect the seniority of the petitioner. Moreover, the appointing authority is the Executive Engineer, whereas, the transfer order has been passed by the Board.

On being pointedly asked from learned counsel for the petitioner as to how the seniority of the petitioner would be affected, he could not show me any document(s) in this regard

and submits that the petitioner had tried to collect the copies of gradation list, but it could not be received by him, therefore, the same are not filed alongwith the petition or at the subsequent stage. He also submits that presently, the petitioner has sustained a fracture and he is bed ridden, therefore, immediately he is not in a position to move to the transferred place.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous consideration or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

Learned counsel for the petitioner could not show as to how the seniority of the petitioner would be affected and how the order is bad in law particularly on the grounds of malafides, extraneous considerations or against the Rules or the Act. Further, this transfer order has been passed as back as on 22/3 /2007 and it is being challenged before this Court by filing this petition on 10/09/2007.

In view of the above, I am not inclined to interfere with this order.

The petition has no merit and the same is dismissed at the motion stage itself.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

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